

2. Whether EPA acted arbitrarily, capriciously, or in a manner otherwise contrary to law when deciding to promulgate a 250-million-gallon supplemental

total renewable fuel volume requirement for 2023 in response to *Americans for Clean Energy v. EPA*, 864 F.3d 691 (2017).

Petitioner AFPM reserves the right to modify the list of issues addressed, as well as to address these and other issues in more detail in future pleadings.

Respectfully submitted,

/s/ Robert J. Meyers

Robert J. Meyers  
Elizabeth B. Dawson  
CROWELL & MORING LLP  
1001 Pennsylvania Ave., N.W.  
Washington, DC 20004  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5116

*Of counsel:*

Richard S. Moskowitz  
AMERICAN FUEL &  
PETROCHEMICAL MANUFACTURERS  
1800 M Street, NW  
Suite 900 North  
Washington, DC 20036  
Telephone: (202) 457-0480  
Facsimile: (202) 457-0486

*Counsel for Petitioner American Fuel &  
Petrochemical Manufacturers*

Dated: October 12, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2023, I filed the foregoing through the CM/ECF system, which will send a notice of filing to all registered CM/ECF users.

/s/ Robert J. Meyers  
Robert J. Meyers